

# Exhibit 3

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

IN RE COLLEGE ATHLETE NIL  
LITIGATION

CASE NO. 4:20-cv-3919-CW

**DECLARATION OF TED TATOS  
JANUARY 30, 2025**

Hon. Claudia Wilken

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## I. Introduction and Assignment

1. My name is Ted Tatos. I am an economist and a statistician with EconONE Research. A substantial portion of my research has focused and continues to focus on antitrust issues involving intercollegiate athletics as well as the safety and well-being of collegiate athletes. I have previously submitted a declaration in this matter. I incorporate my qualifications herein by reference.

2. Counsel for Plaintiffs in *Fontenot et al. v. NCAA et al.* (“*Fontenot*”) and *Cornelio v. NCAA et al.* (“*Cornelio*”) have asked me to provide an economic estimate of the approximate scholarship funds that NCAA Division I universities would have expended over the previous four years had they increased the number of allowable scholarships for baseball and softball to the totals now stipulated under the Proposed Settlement Agreement.

3. The previous scholarship limits for baseball and softball were 11.7 and 12, respectively. Under the Proposed Settlement Agreement, these maxima will increase to 34 and 25, respectively. Thus, under the assumption that any NCAA member that chooses to increase their scholarships to the maximum for 2025-26 would have done so previously had the NCAA permitted this increase, each member would have offered 22.3 more baseball scholarships and 13 more softball scholarships each year for the previous four years.

4. Counsel in *Fontenot* and *Cornelio* have asked me (1) to focus on two sports, baseball and softball, and (2) provide an estimate for past scholarship funds under the above-mentioned counterfactual for Clemson University. I understand that Clemson University has indicated that they will raise the scholarship counts in both sports to the maximum allowable for 2025-26.<sup>1</sup>

## II. Analysis

5. To perform this calculation, I relied on the cost-of-attendance (COA) data reported in the Integrated Postsecondary Educational Data System (IPEDS), maintained by the U.S. Department of Education.<sup>2</sup> From these data, I downloaded and analyzed the Institutional Characteristics, Student charges for academic year programs tables (ACY) for 2021-22 through 2023-24. The data for 2024-25 are not available in IPEDS. For 2024-25, I obtained the relevant data from Clemson University’s website.<sup>3</sup>

6. Using the IPEDS data, I calculated the COA as the sum of tuition and fees, room and board, books, and other expenses. IPEDS reports data for each of these categories by institution and year. I calculated COA separately based on in-state tuition/fees and out-of-state tuition and fees. IPEDS data also permits calculation of food and housing as well as “other expenses” for on-campus vs. off-campus (not with family). Although I have performed the calculations under those scenarios, I only report the on-campus COA costs based on in-state and out-of-state tuition and fees.

7. I then multiplied the additional scholarship totals (22.3 and 13) for baseball and softball, respectively, by the COA at Clemson University each year. Using the same IPEDS data, I can perform the same calculation for any NCAA Division I member subject to the Proposed

<sup>1</sup> <https://clemonsontigers.com/graham-neff-letter-to-clemson-fans-nov-26-2024/>

<sup>2</sup> <https://nces.ed.gov/ipeds/>.

<sup>3</sup> <https://www.clemson.edu/financial-aid/cost/estimated-cost-of-attendance.html>

Settlement Agreement. To the extent that any member chooses to increase the number of scholarships it offers to some total less than the maximum available, the calculation would reflect the difference between the new and previous total scholarships offered for baseball and softball.

8. I also note that the distinction between on-campus and off-campus COA generally applies only to in-state schools, which offer lower sticker prices to in-state compared to out-of-state residents. Private institutions of higher education generally offer the same sticker price to students regardless of their in-state vs. out-of-state status. For public institutions such as Clemson, the total value of the incremental scholarships can be estimated under various assumptions regarding the percentage of the additional scholarships that would have gone to in-state vs. out-of-state students, with the former and latter serving as lower and upper bounds, respectively. In other words, if all scholarship would have gone to in-state or out-of-state students, the respective totals would reflect the lower and upper bounds of the incremental scholarship values, respectively.

9. Table 1 below provides the COA for in-state and out-of-state students at Clemson over the past four years. For purposes of this analysis, I assumed that, consistent with the Proposed Settlement Agreement, Clemson would have offered 22.3 and 13 additional baseball and softball scholarships, respectively, annually for the four years prior to the agreement's implementation. Table 2 below provides the estimated additional scholarship costs that Clemson would have incurred had it adopted the higher scholarship limits for baseball (34) and softball (25) beginning with the 2021-2022 academic year. For purposes of my calculations, I used the average of in-state and out-of-state tuition. Use of this average reflects my assumption that half of the scholarships would have gone to each of in-state and out-of-state students.

TABLE 1. ANNUAL COST-OF-ATTENDANCE AT CLEMSON UNIVERSITY

<b>Academic Year</b>	<b>In-State COA</b>	<b>Out-of-State COA</b>
2021-22	\$34,164	\$57,156
2022-23	\$34,750	\$58,694
2023-24	\$35,338	\$59,282
2024-25	\$35,814	\$61,126

TABLE 2. VALUE OF ADDITIONAL SCHOLARSHIPS

<b>Academic Year</b>	<b>Value of Additional Scholarships</b>	
	<b>Baseball</b>	<b>Softball</b>
2021-22	\$1,018,218	\$593,580
2022-23	\$1,041,901	\$607,386
2023-24	\$1,055,013	\$615,030
2024-25	\$1,080,881	\$630,110
<b>Totals by Sport</b>	<b>\$4,196,013</b>	<b>\$2,446,106</b>
<b>Overall Total</b>	<b>\$6,642,119</b>	

10. To arrive at the value of additional scholarships, I multiplied the average of the in-state COA and out-of-state COA by the number of additional scholarships (22.3 for baseball and 13 for softball) that Clemson would have offered under this counterfactual condition, each year. The result indicates that Clemson would have offered approximately an additional \$6.6M in

scholarships for baseball and softball over this period, in nominal dollars.

11. The Appendix provides the names of the variables from IPEDS that I used in calculating the COA as well as the calculations I performed.

### **III. Signature**

12. I, Ted Tatos, certify that, to the best of my knowledge and belief,
- The statements of fact that I express in this Declaration are true and correct.
  - I base the analysis contained herein and the supporting assumptions on my unbiased, professional opinion, with support as referenced herein.
  - I have neither personal financial interest in the outcome of this litigation nor bias towards any of the parties.
  - My compensation does not depend on the outcome of this matter.

Respectfully submitted this date of January 30, 2025,

A handwritten signature in black ink, appearing to read 'J. P. Tatos', written over a horizontal line.

Ted Tatos

**IV. Appendix: IPEDS Variables Used and COA Formulas**

IPEDS Variable	Description
CHG2AY3	Published in-state tuition and fees 2023-24
CHG3AY3	Published out-of-state tuition and fees 2023-24
CHG4AY3	Books and supplies 2023-24
CHG5AY3	On campus, food and housing 2023-24
CHG6AY3	On campus, other expenses 2023-24
CHG7AY3	Off campus (not with family), food and housing 2023-24
CHG8AY3	Off campus (not with family), other expenses 2023-24

On-Campus In-State COA =  $\text{chg2ay3} + \text{chg4ay3} + \text{chg5ay3} + \text{chg6ay3}$

On-Campus Out-of-State COA =  $\text{chg3ay3} + \text{chg4ay3} + \text{chg5ay3} + \text{chg6ay3}$